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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,221	03/06/2000	Chaitanya Kanojia	2657.2001005	7967

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 01/16/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 2143

DETAILED ACTION

Newly amended claims 19-36 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original claims were directed towards a message router system for transferring messages to embedded devices on a data network including a queue manager for queuing messages destined for embedded devices and a router that receives such messages and attempting to transmit the messages to a destination address of the embedded device and storing the message if they are unacknowledged as described on pages 15-18 and Figures 2B and 2C of the specification. The newly amended claims are directed towards a method, system, and apparatus for collecting user profiles of user attributes and device attributes to target consumer with promotions as described on pages 18-21 of the specification. The two inventions are thus disclosed as sub-combinations being usable together, capable of functioning independently of each other. Restriction for examination purposes is required because the newly claimed invention functions in a completely different manner than the original invention and would require a new search that was not previously required.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 23 October 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive. See MPEP 821.03. There are no remaining claims that were originally presented currently pending.

It is noted that the claims originally presented and acted upon by the Office on their merits determine the invention elected by an applicant in the application, and in any request for continued examination (RCE) which has been filed for the application. Subsequently presented claims to an invention other than that acted upon should be treated as provided in MPEP § 821.03. See MPEP 818.02(a).

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission

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or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

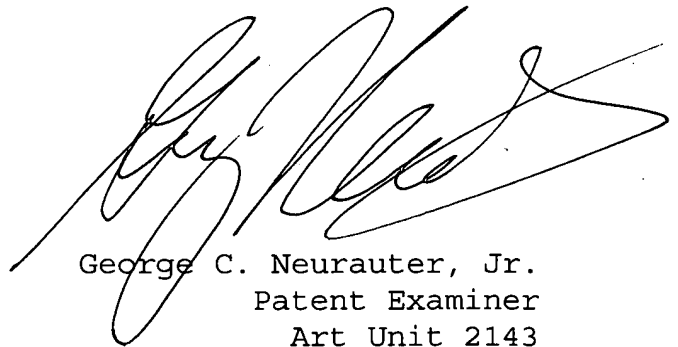
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George C. Neurauter, Jr.
Patent Examiner
Art Unit 2143